

the powers of the Federal Government as resulting from the *compact* to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact," &c.

And the Kentucky Resolutions prepared by Thomas Jefferson :

"Resolved, That the several States comprising the United States of America, are not united on the principle of unlimited submission to their General Government; but that by *compact*, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the *residuary* mass of right to their own self-government; and that whenever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and is an integral part," &c.

And although Mr. Webster in his great controversy with Mr. Hayne, denied that the Constitution was formed by compact, or that it is a compact, yet he lived to revise his opinion, and Massachusetts in 1851, through the eloquent tongue of the great expounder of the Constitution, declared in his speech at Capon Springs, in 1851, that it is a *compact*, in these words :

"I do not hesitate to say and repeat, that if the Northern States refuse, wilfully and deliberately, to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, the South would no longer be bound to observe the *compact*. A bargain broken on one side is a bargain broken on all sides."

Because, Mr. President, this Constitution was formed by *compact*, and by the *States*, it does not follow that our forefathers did not design the form of government to be *perpetual* and *lasting*. It contained no germ or seed for its own destruction. And when the Constitution was ratified by the States, they thereby created a *Government*. Certain powers were delegated to the General Government, and to the extent of the powers delegated the Government was clothed with *sovereignty*, and *allegiance* henceforth became due—to the extent of the *sovereign* powers conferred—to the Constitution and Government of the United States. The States remained no longer *sovereign* as before. By the formation of the Constitution, and by entering into the compact, they parted with a portion of their powers of sovereignty, viz: the power to regulate commerce, the power to form treaties and alliances, the power to keep standing armies in time of peace, and other powers which it is unnecessary now to recapitulate. Treason was defined, and if *treason* could be

committed against the Constitution and Government of the United States then as President Jackson said in his proclamation of December 10th, 1833, *allegiance* was due to the extent of the powers conferred.

But *no paramount allegiance* was given. The States, except within the limits and to the extent within which they restricted their powers, still retained the *residue* of their sovereign powers. Treason could be still committed against the State. The doctrine of *paramount* allegiance is never once tolerated. I have looked, and looked in vain, to find language used by any expounder of the Constitution or writer upon the subject; I have carefully examined even the order of General Schenck—and nowhere have I found the doctrine of *paramount* allegiance announced as due to the Federal Government.

And as showing that I am maintaining no doctrine subversive of our government, but the true doctrine of the *sovereignty* of the Government of the United States within the limits of the Constitution and the allegiance due thereto, I refer to one passage from the speech of Hon. Montgomery Blair, on the revolutionary schemes of the ultra-abolitionists, in which he asks: "Is not the Union and its Constitution identified as 'that corporate existence' within the States which makes them all—those trodden down and those standing up—component members of our Union of States? How can the Union, which is the guaranty of the government of every republic of which it consists, admit, whilst it lives, that any part of it is dead?" Accept the doctrine of the gentleman from Baltimore city, (Mr. Stirling), and I say the State of Maryland, as a *State*, is dead. She may be part of a consolidated government to which you owe *paramount* allegiance, but the State, as a State, is dead from that hour. She may exist on sufferance by the General Government; but the existence of States by sufferance is no existence at all. Mr. Blair goes on to say: "It does not admit it. It is at war in every State in the Union at this moment, co-operating with the loyal in each, entitled by its *special* sovereignty to crush the traitors who violate it." I quote to show that he uses the term "*special*" sovereignty, not *paramount* sovereignty. *Paramount* sovereignty involves the death of "the parts"—the States. My doctrine preserves the *life* and true legal status of both—the States and the Federal Government.

To further confirm this doctrine, I refer to Mr. Webster's opinion—4 Elliot, 499:

"The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the General Government, so far the grants are unquestionably good, and the Government holds of